IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1877 of 1998

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MUGATLAL CHHOTALAL OZA

Versus

RADHABEN KRISHNADEO PATHAK

Appearance:

1. Civil Revision Application No. 1877 of 1998

MR HARDIK C RAWAL for Petitioner No. 1

NOTICE UNSERVED for Respondent No. 1

MR DN PANDYA for Respondent No. 2-3

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 15/04/2004

ORAL JUDGEMENT

The petitioner is the original defendant of H.R.P. Suit No.3582/1980 filed in the Small Causes

Court, Ahmedabad. The trial Court dismissed the said suit of the landlady against which the landlady has preferred an appeal being Civil Appeal No.170/1984 before the Appellate Bench of the Small Causes Court, Ahmedabad. In the said appeal, on behalf of the appellant an application for leading additional evidence was submitted. The appellate Court rejected said application. The said order was challenged by filing Civil Revision Application No.957/1996 before this Court, which was allowed and the matter was remanded for production of additional evidence. Thereafter, the petitioner herein submitted application Exh.55 and 57 on the ground that the appellant is not entitled to place on record additional evidence as the landlady has not withdrawn the H.R.P.Suit No.2395/1995, as per the order of this High Court in Civil Revision Application No.957/1996. The appellate bench of the Small Causes Court, Ahmedabad, rejected both these applications given by the petitioner herein at Exh.55 and 57, against which this Civil Revision Application is filed.

2) Ms.Resham Mehta for Mr.Hardik Rawal, learned advocate for the petitioner states that she has been informed by the instructing advocate of the trial Court that the dispute is already settled and this Civil Revision Application is required to be withdrawn. Therefore, she wants permission to withdraw this Civil Revision Application. However, she submitted that, in case of difficulty petitioner may be permitted to revive this revision application.

3) Since learned advocate for the petitioner wants to withdraw this Civil Revision Application, it is not necessary to examine the merits of this matter and the petitioner is permitted to withdraw this Civil Revision Application. Accordingly, this Civil Revision Application is disposed of as withdrawn. Rule is discharged. Interim relief, if any, stands vacated. Liberty to apply in case of difficulty.

(P.B.Majmudar,J.)

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